

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

NOV 17 2015

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

OWAIIAN M. JONES,
Plaintiff,

Civil Action No. 7:15-cv-00626

v.

MEMORANDUM OPINION

RAPPAHANNOCK REGIONAL
JAIL, et al.,
Defendants.

By: Hon. Michael F. Urbanski
United States District Judge

Owaiian M. Jones, a Virginia inmate proceeding pro se, commenced this civil action pursuant to 42 U.S.C. § 1983. Upon a review of court records, it appears that Plaintiff had at least three non-habeas civil actions or appeals dismissed as frivolous, as malicious, or for failing to state a claim before he commenced this action. See, e.g., Jones v. United States of America, No. 7:14-cv-00410, slip op. at 2-3 (W.D. Va. Aug. 6, 2014), appeal dismissed as frivolous, No. 14-7188, slip op. at 2 (4th Cir. Dec. 16, 2014); Jones v. United States District Court for the Western District of Virginia, No. 7:14-cv-00499, slip op. at 2 (W.D. Va. Sept. 30, 2014); see also McLean v. United States, 566 F.3d 391, 399 (4th Cir. 2009) (dismissals without prejudice for frivolousness should not be exempted from 28 U.S.C. § 1915(g)). Inasmuch as the record provides no reason to exempt Plaintiff from 28 U.S.C. § 1915(g), the court dismisses this action without prejudice for Plaintiff's failure to pay the filing fee when filing the complaint.¹ See, e.g., Dupree v. Palmer, 284 F.3d 1234, 1237 (11th Cir. 2002) (reasoning that the filing fee is due upon filing a civil action when in forma pauperis provisions do not apply to plaintiff and that the court is not required to permit plaintiff an opportunity to pay the filing fee after recognizing plaintiff is ineligible to proceed in forma pauperis).

ENTER: This 16th day of November, 2015.

/s/ Michael F. Urbanski
United States District Judge

¹ Plaintiff alleges that a defendant "continued to abuse me both physically and mentally and/or verbally" and "is guilty of" various crimes, including sexual assault. However, nothing in the complaint demonstrates that Plaintiff is in imminent danger of serious physical harm.